POLICY AND PROCEDURE NO. 400

Use of Force

MPAC Accreditation standards: 1.1.0; 1.1.1; 1.1.2; 1.1.3; 1.1.5; 1.1.6; 1.1.7; 1.1.8; 1.1.10; 1.1.11; 1.1.12; 1.1.13; 1.1.14

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This written directive is for departmental use only and does not apply in any criminal or civil proceeding. This written directive should not be construed as creation of a higher legal standard of safety or care in any evidentiary sense with respect to third party claims. Violations of this written directive will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this policy is to assist the Worcester Police Department establish guidelines and limitations concerning the use of force.

II. POLICY

1. The Worcester Police Department values the sanctity of life and bodily integrity of all individuals. The Worcester Police Department prioritizes the dignified and respectful treatment of all members of the public, as well as the safety of officers. In accordance with these principles, the Worcester Police Department and its officers shall implement this policy and sub-policies in a manner that is fair and unbiased consistent with M.G.L. c. 6E, §1.

2. Officers shall seek to de-escalate and gain the voluntary compliance of individuals at all safe and feasible opportunities. If force is warranted, officers shall use only the amount of force that is necessary and objectively reasonable to accomplish lawful objectives and proportionate to the resistance or threat encountered.

3. There is a compelling public interest that officers' use of force complies with the law. Officers who use excessive force degrade the confidence of the community that they serve, undermine the legitimacy of an officer's authority, and hinder the agency's ability to provide effective law enforcement services to the community. Accordingly, officers who use excessive force may be subject to the following consequences:

    a. Agency discipline, up to and including termination;
    b. Action on their certification by the Massachusetts Peace Officer Standards and Training Commission, up to and including decertification;
    c. Criminal prosecution; and/or

d. Civil liability.

III. DEFINITIONS

Agency: the Worcester Police Department.

Authorized Agency Personnel: Agency personnel, both sworn and non-sworn, who are authorized by the agency to possess, carry, and use agency-approved weapons or force.

Authorized Weapons: Weapons that meet agency specifications that officers or authorized agency personnel are permitted to carry and for which officers or authorized agency personnel have successfully completed proficiency and safety training.

Chokehold: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, the use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of a law enforcement officer's body on or around an individual's neck in a manner that limits the individual's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness, or death.

Commission: The Massachusetts Peace Officer Standards and Training Commission as established in M.G.L. c. 6E, § 2.

Deadly or Lethal Force: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, physical force that can reasonably be expected to cause death or serious bodily injury.

De-escalation: Proactive actions and approaches used by an officer to slow down, stabilize, and reduce the intensity of an encounter in an attempt to avoid or mitigate the need to use force and to avoid or reduce threats, gain the voluntary compliance of the individual involved in the encounter, and safely resolve the encounter without further jeopardizing the safety of the officer or any individual present or involved in the encounter.

De-escalation Tactics: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), to address a potential medical or mental health crisis. De-escalation tactics shall include, but are not limited to, issuing a summons instead of executing an arrest where feasible. De-escalation tactics include the use of critical thinking skills to evaluate options and tactics consistent with 555 CMR 6.00 and the Commission's guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021).

Directly Involved: A supervisor is directly involved in a use of force incident if the supervisor used force in the incident, ordered or directed the force used, or otherwise participated such that the supervisor's own conduct is subject to the review.

Dog: As defined in 555 CMR 6.03, a K-9, canine or police dog.

Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs): As defined in 555 CMR 6.03, a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave, or beam is emitted that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the individual. For purposes of this policy, "ECW" shall also mean a "stun gun" as that term is defined in M.G.L. c. 140, § 121.

Excessive Force: Force that is not necessary, proportionate or objectively reasonable.

Firearm: As defined in M.G.L. c. 140, § 121, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver of any such firearm or the unfinished frame or receiver of any such firearm; provided, however, that "firearm" shall not include any antique firearm or permanently inoperable firearm.

Fleeing Motor Vehicle: A motor vehicle being operated to escape from law enforcement, and not being deliberately driven at an officer or another person.

Force: As defined in 555 CMR 6.03, the amount of physical effort, however slight, required by police to compel compliance by an unwilling individual. For purposes of this policy, "force" includes:

1. Any physical strike or attempted strike;
2. Any intentional contact with an individual through the use of a weapon (e.g., baton, OC, ECW, chemical weapon, kinetic impact device);
3. Any significant physical contact that restricts movement (e.g., takedown, hard empty-hand techniques, chokeholds);
4. Pointing a firearm, ECW, or chemical weapon at an individual; and
5. Deployment of a police dog resulting in contact.

"Force" does not include physically escorting or handcuffing an individual who offers minimal or no resistance.

Harm: Injury inflicted upon an individual, whether visible or not.

Impact Weapons: Agency-approved tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Implicit Bias: Unconscious attitude or stereotype that affects how people perceive and interact with others.

Kettling: As defined in 555 CMR 6.03, confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Kinetic Impact Device: Less-lethal projectile-based tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Law Enforcement Officer/Officer: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, a sworn member of the agency, including the Chief Executive Officer.

MPTC: Municipal Police Training Committee established in M.G.L. c. 6, § 116.

Non-Deadly or Less-Lethal Force: As defined in 555 CMR 6.03, any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain.

Passive Resistance: As defined in 555 CMR 6.03, an individual who is noncompliant with officer commands and who is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, bodily injury that results in: MPAC 1.1.2 [d]

1. Permanent disfigurement;
2. Protracted loss or impairment of a bodily function, limb, or organ; or
3. A substantial risk of death.

Serious Use of Force: For purposes of the review procedures in this policy, a use of force involving any of the following: the discharge of an ECW at or upon a person, whether in probe or drive-stun mode; any strike to a person's head or neck; any strike with an impact weapon; the discharge of a kinetic impact device at a person; contact by a police dog; any use of force resulting in treatment at a hospital or other medical facility; and any use of force incident within the scope of Policy 501 Officer Involved Shootings, In-Custody Deaths and Serious Uses of Force. Evaluation, medical clearance, or decontamination alone, and treatment of a condition not caused by the use of force, do not constitute treatment at a hospital or other medical facility for purposes of this definition. A use of force meets the hospital-treatment element when the treatment becomes known to the Department.

Tear Gas or Other Chemical Weapons (CW): As defined in 555 CMR 6.03, any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrains an individual by causing pain. This shall not include oleoresin capsicum (OC) spray.

Use of Force Reporting Form: A form that has been approved by the Commission and the MPTC or a form approved by the Chief Executive Officer that collects at a minimum the information collected on the form approved by the Commission and the MPTC.

Verbal Commands: The use of advice, persuasion, warnings, and/or clear directions prior to resorting to or concurrent with the use of actual physical force.

IV. PROCEDURES

The use of force is authorized only when it is necessary, proportionate, objectively reasonable and for a lawful purpose. The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the individual, in light of the circumstances surrounding the event. The totality of circumstances includes, but is not limited to, the officer's own tactical decisions and conduct leading up to the use of force. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must allow for the fact that officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and dynamic and rapidly evolving about the amount of force that is necessary, proportionate and objectively reasonable in a particular situation. The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. Accordingly, the agency will thoroughly document, review, and investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

A. General

1. Whenever officers are involved in an encounter with an individual, officers shall prioritize the safety of members of the public, officers, and any other individual(s) involved, throughout the entirety of the encounter.
2. When time and circumstances reasonably permit, officers shall attempt to resolve encounters without resorting to force. Officers shall not intentionally employ tactics that are likely to necessitate the need for force or escalate the level of force necessary to resolve an encounter.
3. When officers come in contact with members of the public, they are encouraged to be conscious of non-criminal factors that could impact that interaction. Such factors include, but are not limited to, an individual's mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public. Factors such as these may affect an individual's ability to understand, respond to, and comply with an officer's commands, such that an officer should consider modifying their de-escalation tactics and techniques. Officers should also be mindful of the role implicit bias can play in their interactions with individuals, especially in stressful situations.
4. When time and circumstances reasonably permit, officers shall attempt to de-escalate an encounter at all available and appropriate opportunities, including by assessing and gathering information before an officer arrives on scene, before the escalation of the use of force, throughout an encounter, and until the conclusion of an encounter.
5. When time and circumstances reasonably permit, officers shall utilize advisements, warnings, verbal persuasion, verbal instructions, and other de-escalation tactics such as area containment, surveillance, waiting out an individual, summoning reinforcements, creating time and distance, seeking assistance from a mental health professional, and/or calling in specialized units in order to reduce the need for force and increase safety. Officers shall document when such efforts were attempted or were not feasible.
6. Any force used shall be necessary, proportionate, and objectively reasonable in relation to the level of resistance encountered, whether increasing or decreasing, throughout an encounter.

B. Use of Force Authorization and Limitations

1. Officers are only authorized to use the amount of force that is necessary, proportionate, and objectively reasonable to accomplish lawful objectives.
2. An officer shall not use force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary and proportionate to:
    a. Effect the lawful arrest or detention of an individual;
    b. Prevent the escape of an individual from custody;
    c. Prevent imminent harm through the use of an amount of force that is proportionate to the threat of imminent harm while protecting the safety of the officer or others; or
    d. Defend against an individual who initiates force against an officer.
3. The authorized use of force ends when resistance ceases, or the officer has accomplished the lawful objective necessitating the use of force. The officer's justification for the use of force must be based on the totality of the circumstances known or perceived by the officer at the time such force is used, including levels of resistance, the subject's behavioral cues, the number of officers and/or individuals present, and the availability of other options.
4. Force shall never be used as punishment or retaliation, or to subject an individual to torture or other cruel, inhumane, or degrading treatment.

C. Verbal Warning

When tactically feasible, officers will identify themselves as police, and issue verbal commands or warnings before using force. When time and circumstances reasonably permit, officers will allow the individual a reasonable opportunity to comply with verbal commands before resorting to force. A verbal warning is not required where the officer must make a split-second decision or if the officer has an objectively reasonable belief that issuing the warning would place any individual's safety at risk. Officers shall document when such efforts were attempted or were not feasible.

D. Use of Non-Deadly or Less-Lethal Force

1. Officers shall use only the amount of force necessary, proportionate, and objectively reasonable to overcome resistance or accomplish the lawful police objective. Non-deadly force shall conform to the agency's standard of conduct, policies, procedures, and training.
2. An officer shall use only the amount of force necessary, proportionate, and objectively reasonable against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.
3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force.
4. Use of force does include the pointing of a firearm, ECW, CED, or chemical weapon at an individual and the use of OC spray on or directed toward an individual.
5. Impact weapons and kinetic impact devices may be used as a non-deadly force option when applied to appropriate target areas, but may also constitute deadly force if applied in a manner or to a part of the body likely to cause death or serious bodily injury.

E. Use of Deadly or Lethal Force

1. A law enforcement officer shall not use deadly force upon a person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to an individual and the amount of force used is proportionate to the threat of imminent harm, and MPAC 1.1.2 [a]
   a. The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another individual;
   b. The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and MPAC 1.1.2 [b]
   c. The officer uses only the amount of force that is objectively reasonable.

2. Unconventional Weapons

   In sudden, unpredictable confrontations where deadly force would be authorized, an officer may use any available means (e.g., a flashlight, radio, or any other object) to defend themselves or others, provided the level of force is objectively reasonable under the circumstances.

3. Deadly Force Restrictions

   a. Immediacy of the Threat Required
      An officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.
   b. Suicidal Individuals
      An officer may not use deadly force against an individual who poses a danger only to themselves.

F. Use of Force Restrictions

1. Sitting, Kneeling, or Standing on An Individual
   Except to temporarily gain, regain or maintain control of an individual and apply restraints, an officer shall not intentionally sit, kneel, or stand on an individual's chest or spine and shall not force an individual to lie on their stomach. In no event may an officer intentionally sit, kneel, or stand on an individual's neck or head. (555 CMR 6.04(6))

2. Oxygen and Blood Flow
   An officer shall not obstruct the airway or limit the breathing of any individual, nor shall an officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable. (555 CMR 6.04(7)) Temporary positioning to gain, regain, or maintain control of an individual and apply restraints is governed by Section IV.F.1.

3. Restrained Individuals
Force shall not be used against individuals in handcuffs unless it is objectively reasonable, necessary, and proportionate to prevent imminent harm to the officer or another individual, to prevent escape, to ensure safety, or to overcome passive resistance where physical removal is necessary.

4. Chokeholds
Officers shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck. (555 CMR 6.05(2)) MPAC 1.1.2 [c]

G. Mass Demonstrations and Crowd Management

1. It is the policy of this agency to respect the constitutional rights of individuals engaged in lawful demonstrations, to avoid unnecessary conflict, and to attempt to de-escalate potential conflicts whenever feasible.

2. Pre-Planning: When the agency has advanced knowledge of a planned mass demonstration within the agency's jurisdiction, the Chief Executive Officer shall designate an officer in charge of de-escalation planning and communication. The designated officer in charge shall diligently attempt in good faith to:

a. Communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants; and
b. Discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants and ensure that participants are able to safely exercise their rights under the First Amendment and the Massachusetts Declaration of Rights.

3. Use of Weapons and Canines: Except as prohibited in Section G.4, when engaged in mass demonstration events, officers shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device, or order the release of a dog to control or influence an individual's behavior unless:

a. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances;
b. The measures used are necessary to prevent imminent harm; and
c. The foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets, or dog is proportionate to the threat of imminent harm.

4. Restrictions

a. Canines: K-9's shall not be used for crowd control at protests or demonstrations. See Policy 401 Canine Unit Guidelines.

b. Kettling: The use of kettling as a means of crowd control, crowd management, or crowd restraint is prohibited**.**

H. Providing Medical Aid

1. Officers shall always provide an appropriate medical response to an individual following a use of deadly force when safe and tactically feasible. MPAC 1.1.5 [a]

2. Officers shall always provide an appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible. This includes rendering first aid consistent with their annual in-service training, requesting emergency medical services, arranging transportation to a hospital or emergency medical facility, and monitoring the individual until transfer of care. MPAC 1.1.5 [b,c]

3. Officers shall be trained in the proper treatment procedures for individuals exposed to chemical sprays, electronic control weapons, kinetic impact devices, and other less-lethal force options. If treatment is offered and refused, the refusal shall be documented. Officers shall notify their supervisor as soon as practical of treatment rendered or refused. If warranted, the supervisor will ensure photographs of any visible injuries are taken, documented, and preserved.

I. Duty to Intervene

1. An officer present and observing another officer using or attempting to use force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank or agency affiliation of the officer so observed, unless intervening would result in imminent harm to the observing officer or another identifiable individual. MPAC 1.1.1 [c], 1.1.2 [g]
2. The failure of an officer to intervene as required by 555 CMR 6.06 and this policy may subject the officer to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.
3. Officers and other agency personnel who observe an officer or other agency personnel, regardless of the rank or agency affiliation of the officer so observed, engaged in abuse, meaning excessive force, shall report such abuse to their supervisor as soon as reasonably possible, but not later than the end of the officer's shift.
4. Any harassment, intimidation, or retaliation against any officer or other agency personnel who:
a. Intervened or attempted to intervene to prevent or stop an excessive force incident;
b. Made, attempted to make, or is required to make a report regarding the witnessed excessive force incident; or
c. Provided information or testimony to any investigating entity inside or outside the agency is prohibited.

Any such action may result in discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

J. Response to Officer-Involved Injury or Death

1. Whenever an officer (sworn or non-sworn) either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the Official in Charge shall immediately notify the Chief Executive Officer or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Chief Executive Officer or their designee. MPAC 1.1.8

2. If the use of force involved a weapon, including an unconventional weapon, the Crime Scene Unit shall secure any weapons used for examination and maintain the appropriate evidentiary chain of custody protocols.

3.Any use of force that results in death or serious bodily injury shall be reported to the District Attorney's Office.

K. Weapons

1. Officers in Massachusetts are authorized to carry and use a variety of weapons. M.G.L. c. 41, § 98, for example, permits officers to carry weapons as authorized by the Chief Executive Officer of the agency. While no law addresses the possession and use of other weapons by officers, the Chief Executive Officer of the agency may both authorize and regulate such activities. MPAC 1.1.0 [a]

2. Only authorized agency personnel may carry or use weapons in the performance of their designated duties. Authorization must be documented and approved by the Chief Executive Officer or their designee. Authorization is contingent upon successful completion of all training, certification, and proficiency requirements. The Chief Executive Officer may revoke or suspend authorization at any time. MPAC 1.1.0 [b]

3. Only weapons and ammunition authorized by the agency may be used by authorized agency personnel in the performance of their designated duties.

4. Sworn Officers: Officers are authorized to carry and use only those weapons, lethal and less-lethal, authorized by the Chief of Police and set forth in Policy 93 Authorized Weapons and Ammunition and Policy 400.1 Firearms Guidelines, subject to this Use of Force policy and the restrictions set forth in the policy governing each weapon.

5. Non-sworn agency personnel: Non-sworn agency personnel may be authorized to carry specified weapons only when expressly approved by the Chief Executive Officer and consistent with applicable law. Any non-sworn positions so authorized, and the weapons authorized for each position, are set forth in Policy 93 Authorized Weapons and Ammunition. Non-sworn agency personnel authorized to carry weapons must adhere to all provisions of this Use of Force policy as if they were sworn officers, including training, certification, and reporting requirements.

6. Security, Storage, and Safe Handling of Weapons

   a. Authorized agency personnel shall be trained in accordance with agency guidelines and shall obey all safety rules when handling any firearm or any other weapon. No person other than authorized agency personnel shall be permitted

access to any agency-owned firearm or any other agency-owned weapon, with the exception of: officers from other jurisdictions in the official performance of their duties; licensed individuals performing repairs or maintenance as approved by the agency; or other circumstances with the express permission of the Chief Executive Officer.

b. Authorized agency personnel shall secure and store firearms and other weapons, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm or weapon. All agency firearms kept at home must be secured in a safe place inaccessible to family members and others, especially children, and conform with the requirements of M.G.L c. 140, § 131L.
c. Whenever an authorized agency personnel is at an agency facility and removes their handgun or other weapon, the item must be secured so that it is not readily accessible to unauthorized individuals.
d. Authorized agency personnel shall not leave firearms or other weapons unsecured in vehicles, lockers, offices, or any other place where unauthorized access may occur.
e. Any loss or theft of a firearm or other agency weapon shall be immediately reported to the authorized agency personnel's supervisor for investigation.

7. Weapons Restrictions

a. Warning Shots Prohibited - Officers are prohibited from discharging their firearms as a means of warning, intimidating, or frightening an individual. MPAC 1.1.3
b. Pointing Weapons
    i. Officers are prohibited from pointing their firearms at or in the direction of an individual absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy.
    ii. Pointing a firearm or ECW/CED may be reasonable as a control measure when a threat is perceived, even if deadly force is not ultimately used.
    iii. When an officer determines that the use of deadly force is no longer justified, they shall secure or holster their firearm as soon as safe and practicable.

    iv. Pointing a firearm or an ECW/CED at an individual and using OC spray on or toward an individual are considered uses of force. Officers shall document in their report when a firearm or ECW/CED is pointed at or when OC spray is used on or toward an individual and explain the justification.
c. Surroundings
    Before discharging a firearm, ECW/CED, or other weapon, the officer shall, to the extent feasible, consider their surroundings and potential risks to other individuals before doing so.
d. Discharging Firearms into Moving Motor Vehicles

    An officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other

persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to an individual, and proportionate to the threat of imminent harm; and only if the following conditions exist:

i. An individual in the vehicle is threatening the officer or another individual with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, including moving out of the path of the vehicle;

ii. Officers have not intentionally positioned themselves in such a way as to create a likelihood of being struck by an occupied vehicle (e.g., surrounding a vehicle at close proximity while dismounted);

iii. The officer is not firing strictly to disable the vehicle; and

iv. The circumstances provide a high probability of stopping or striking the intended target.

An officer shall not discharge any firearm into or at a fleeing motor vehicle, as defined in Section 3 of this policy. A motor vehicle being used as a weapon, as set forth in that definition, is not a fleeing motor vehicle and is governed by the provisions of this subsection (d). MPAC 1.1.2 [f]

e. Use of Weapons Against Animals

i. Officers may use force, including deadly force, against an animal that represents an imminent threat of death or serious bodily injury to the officer or to the public. When time and circumstances reasonably permit, officers should consider utilizing less-lethal force in such circumstances. Whenever possible, officers should seek authorization from their supervisor prior to using deadly force.

ii. Deadly force may also be used as a humanitarian measure when an animal is seriously injured or seriously ill and humaneness demands an immediate end to its suffering. Prior to the use of such force, officers should seek the authorization of their supervisor and, in the case of a domesticated animal, authorization from the animal's owner whenever practical. Whenever deadly force is used against an animal, officers shall notify a supervisor and document the incident.

f. Use of Agency Weapons for Training and Other Purposes

Officers may discharge their agency-authorized firearms for the purpose of practice, firearms training, or when authorized by the Chief Executive Officer to participate in law enforcement competition events or ceremonial events.

g. Use of Firearms or Weapons While Under the Influence of Alcohol and/or Controlled Substances Prohibited

Officers shall not carry or use any firearms or agency-authorized weapons on- or off-duty while under the influence of alcohol or controlled substances. Officers shall not carry or use any firearms or agency-authorized weapons on- or off-duty while impaired by any condition (medical or otherwise) that negatively impacts judgment, motor skills, or proficiency.

L. Maintenance and Accountability for Weapons

1. The Training Division Armorer shall maintain a list of all authorized weapons and ammunition that shall be made available to officers and authorized agency personnel. The Training Division Armorer shall also maintain inventory reports for all weapons authorized by the agency and update inventories at least annually to include the location of all firearms and all other agency-authorized lethal and less-lethal weapons.

2. The Training Division Armorer shall maintain a record on each weapon, lethal and less-lethal, authorized for use by the agency. Such record shall include:
a. Serial number, if applicable;
b. Weapon description;
c. Date of issuance;
d. Officer receiving weapon;
e. Maintenance/repair information;
f. Date removed from service and reason; and
g. Other information as required by the Chief Executive Officer or designee.

3. All weapons shall be inspected by a qualified armorer or weapons instructor for proper functionality prior to issuance to an officer. Weapons failing inspection shall not be issued and shall be repaired or replaced before use.

4. At each training session for lethal or less-lethal weapons, the Training Division Armorer or instructor shall conduct an inspection of all weapons assigned to each officer present and confirm that:
a. The weapons are properly assigned to the officer carrying the weapon;
b. That the weapons (lethal and less-lethal) are in working order; and
c. That inventory records accurately reflect weapons assigned to individual officers.

5. The procedures listed above shall also apply to any weapons, lethal and less-lethal, authorized by the agency for off-duty carry.

6. Whenever an authorized weapon is found to be unsafe or not functioning properly, it shall be immediately turned in or taken out of service by the officer. The Training Division Armorer shall maintain an inventory of replacement firearms and ensure that such firearms are available for issuance when needed.

7. The Training Division Armorer shall ensure that all agency weapons held in storage are secured to prevent damage, theft, or improper issuance. An access log shall be maintained for all entries into weapon storage areas.

M. Training and Qualifications

1. In addition to annual firearms qualification and skills training required by the MPTC and Policy 400.1 Firearms Guidelines, officers shall be properly trained and certified in the use of any less-lethal weapons and control techniques before being authorized to carry or use them. Officers shall only carry and use weapons and control techniques for which they have received agency-authorized training, and which are issued and/or approved by the agency.

2. As part of annual in-service training, all officers shall receive training on this agency's use of force policies, reporting requirements, and relevant case law updates.

3. All officers shall complete annual training on all lethal and less-lethal weapons that require annual proficiency training, including ECWs. MPAC 1.1.11

4. Weapons without an annual training requirement (e.g., impact weapons, kinetic impact devices, OC spray) shall require requalification at least every two years under a certified instructor.MPAC 1.1.12 [a]

5. According to MGL Part I, Title II, Chapter 6E, Section 14 & 15: Use of physical force and deadly force training shall be conducted initially at the student officer level and annually thereafter. Training will include techniques for proper and legal use of physical and deadly force. All officers shall participate in physical force and deadly force training. MPAC 1.1.1 [a], 1.1.2 [e]

6. Agency-authorized use of physical force training will be designed to simulate actual conditions, including stressful and rapidly evolving situations, to strengthen discretion, judgment, and application of de-escalation tactics. Training shall also cover the topics required by 555 CMR 6.10. MPAC 1.1.1 [b]

7. All training, including remedial training, shall be documented in agency training files. MPAC 1.1.12 [c]

8. Training and proficiency results for any authorized weapon shall be monitored by an MPTC-certified weapons instructor and documented in the agency training files by the Chief Executive Officer or their designee. Documentation for sworn officers shall also be uploaded into the MPTC Acadis system by the Chief Executive Officer or their designee. MPAC 1.1.11 [a,b], 1.1.12 [d]

9. Sworn officers must demonstrate proficiency with weapons in compliance with MPTC requirements.

10. Officers who fail to demonstrate the required proficiency with agency-issued weapons shall receive remedial training consistent with MPTC standards and relevant agency policy. MPAC 1.1.11 [d]

11. Any officer who fails to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented. MPAC 1.1.11 [c], MPAC 1.1.12 [e,f]

12. Officers who seek to return to duty after an interruption in service shall first comply with all requirements set forth in 550 CMR 3.04 prior to being authorized to perform police duties and functions.

13. Only officers demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons. MPAC 1.1.10

14. All officers, including newly hired and veteran officers being issued a new type of weapon, shall be issued copies of applicable policies and receive proficiency training on the weapons prior to being authorized to carry such weapons. The issuance, policy receipt, and training shall be documented. MPAC 1.1.13 [a,b,c,d,e]

N. Use of Force Reporting

1. Any officer who uses force shall complete the Use of Force Reporting Form. Reports shall be completed by the end of the officer's shift/tour of duty unless an extension of time is granted by a supervisor not directly involved in the incident.

2. Under 555 CMR 6.07(3): Discharge of a firearm during training, qualification exercises, or for recreational purposes does not need to be reported.

3. A sworn officer or non-sworn, armed personnel shall complete a use of force report when (1) discharging firearm for other than training or recreational purposes outside of a firing range, and/or (2) applies force using a lethal weapon. MPAC 1.1.6 [a]

4. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force and does not need to be reported.

5. The pointing of a firearm, ECW, CED, or CW at an individual and the use of OC spray on or toward an individual is a use of force that must be reported. Any accidental discharge of a firearm, or any action that results in or is alleged to have resulted in injury or death shall be reported. MPAC 1.1.6 [b]

6. A sworn officer or non-sworn personnel authorized to use physical force applies weaponless physical force shall complete a use of force report. MPAC 1.1.6 [c]

7. The agency shall report, at least monthly, the following incidents to the National Use of Force Data Collection Database:

a. When an officer's actions result in death or serious bodily injury of an individual;
or
b. When an officer discharges a firearm at or in the direction of an individual.

8. Any officer who observes an officer or other agency personnel, regardless of rank or agency affiliation, engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.

9. Any harassment, intimidation, or retaliation against any officer or other agency personnel related to a duty to intervene under Section I shall be reported immediately to an appropriate supervisor.

10. The agency shall file a report with the Commission when any officer utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd.

11. Any officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a Use of Force Reporting Form may be subject to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

12. The agency shall report the following incidents to the Commission:

    a. Officer-involved injuries or death;
    b. Excessive force;
    c. Untruthful statements concerning a material fact regarding a use of force;
    d. Knowing omission of a material fact regarding a use of force; or
    e. Any harassment, retaliation, or intimidation of an individual related to a use of force.

13. Completed Use of Force Reporting Forms shall be stored in the Department's records management system and shall be retained and maintained by the agency consistent with 555 CMR 12.00 and applicable records retention schedules. The Bureau of Professional Standards is the records custodian of completed Use of Force Reporting Forms. Use of Force Reporting Forms are subject to discovery and access through the Massachusetts Public Records Law, M.G.L. c. 66. MPAC 1.1.6

14. Records and evidence concerning the use of force and complaints shall be maintained consistent with the requirements of 555 CMR 6.07(8) and 12.04(1)(f).

O. Reporting and Review Procedures

1. The agency shall establish a use of force reporting system that allows for the effective review and analysis of all agency use of force incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to the agency. Officers shall complete the appropriate reports and the Use of Force Reporting Form whenever they use force, whether deadly or non-deadly. Every reportable use of force is reviewed by a supervisor not directly involved in the incident (Section O.3). The officer's Commanding Officer also reviews every Serious Use of Force and every use of force the reviewing supervisor reports as possibly outside the guidelines of a reasonable use of force (Section O.4). Every Serious Use of Force is then

reviewed by the Use of Force Committee (Section O.5). A use of force that may fall outside law or this policy is referred to the Bureau of Professional Standards for investigation.

2. Officer's Responsibilities

a. When an officer uses force for any law enforcement purpose, whether on duty or off duty, the officer shall:

i. Notify a supervisor of the incident, any injury to any person, and any medical treatment rendered, as soon as circumstances allow.
ii. Complete the required report in the records management system and the Use of Force Reporting Form, which shall list all known or identifiable officers and other individuals present.
iii. Preserve any body-worn camera footage in accordance with policy
iv. Submit the Use of Force Reporting Form to a supervisor not directly involved in the incident by the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.

b. Any officer who observes an officer or other agency personnel, regardless of rank or agency affiliation, engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with agency reporting protocols. MPAC 1.1.1 [d], 1.1.2 [h]

c. Any officer who utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd shall write a report detailing the facts and circumstances surrounding the use of force, including a detailed justification of why the use of said weapons was objectively reasonable.

3. Reviewing Supervisor Responsibilities

a. Every reportable use of force shall be reviewed by a supervisor not directly involved in the use of force incident. When any use of force incident involves an officer assigned to patrol, a supervisor not directly involved in the use of force incident has the primary responsibility to review the incident. That supervisor shall make certain that all necessary Use of Force Reporting Forms are properly completed, that any evidence in the custody of law enforcement is preserved, and the report is submitted as required by officers under their command. Supervisors shall submit a written report that includes statements from any officers who witnessed the incident and may believe that the use of physical/ deadly force was unreasonable or unjustified. MPAC 1.1.1 [e], 1.1.2 [i], 1.1.7 [b,c]

b. When a use of force results in an injury, or a complaint of injury, to any person, a supervisor shall respond to the scene. The responding supervisor shall canvass the area for evidence of the incident and shall document their observations of the injury and any action taken in their supervisory review.

c. The reviewing supervisor shall review available body-worn camera recordings of every reportable use of force, together with the other evidence of the incident (see Policy 403 Body Worn Cameras).

d. The reviewing supervisor shall complete a documented supervisory review in the records management system by the end of their tour of duty. The supervisory review shall identify the evidence reviewed and state whether the use of force appears to fall within the guidelines of a reasonable use of force consistent with law and this policy. The reviewing supervisor may use the Supervisor Use of Force Review Checklist (Appendix A) to assist in completing a thorough review. MPAC 1.1.7 [a]

e. If the use of force appears to fall outside the guidelines of a reasonable use of force, the reviewing supervisor shall notify the officer's Commanding Officer. The reviewing supervisor shall also identify and report any clear instance of a violation of law or agency policy that necessitates immediate action, including actions related to the officer's fitness for duty or duty status, to the officer's Commanding Officer through the chain of command.

f. The reviewing supervisor shall sign the officer's report, review and close the Use of Force Reporting Form, and forward the completed review through the chain of command. The reviewing supervisor shall provide notification of the incident, with reports, to the appropriate Deputy Chief, the officer's Commanding Officer, the Bureau of Professional Standards, and the Training Division.

g. In any use of force or incident resulting in death or serious bodily injury, or any firearm discharge at or in the direction of an individual, the on-duty supervisor shall immediately notify the Chief Executive Officer through the chain of command. The officer involved shall be removed from operational assignments pending administrative and potential criminal review (see Section J and Policy 501 Officer Involved Shootings, In-Custody Deaths and Serious Uses of Force).

h. When an officer reports pursuant to a duty to intervene (see Section I), the on-duty supervisor shall prepare a report and include the observing officer(s)'s detailed written statement describing the incident in that report.

4. Commanding Officer Responsibilities

a. Where the incident involves a Serious Use of Force, as defined in Section 3 of this policy, or the reviewing supervisor has notified the Commanding Officer under Section O.3.e, the officer's Commanding Officer, or a designee of the rank of Lieutenant or above who was not directly involved in the incident and did not conduct the review required by Section O.3, shall review the use of force in a timely fashion not to exceed the end of their next tour of duty following receipt to determine:

i. Whether the action appears consistent with policy, training, and law; and
ii. Whether further administrative review or investigation is warranted.

A Commanding Officer who was directly involved in the incident, or who conducted the review required by Section O.3, shall assign the review to a designee.

b. Where the incident involves a Serious Use of Force, the Commanding Officer or designee shall also review available body-worn camera recordings of the use of force.

c. The Commanding Officer shall document these determinations in the records management system.

iii. Where the use of force appears consistent with policy, training, and law, a Serious Use of Force shall be forwarded, with the completed review, to the Use of Force Committee under Section O.5. Review of any other use of force is complete, subject to Section O.5.e.
iv. Where the use of force may fall outside the guidelines of a reasonable use of force, or further administrative review or investigation is warranted, the Commanding Officer shall enter a report into the records management system outlining their review and what action, if any, was taken, and shall refer the matter to the Bureau of Professional Standards under Section O.4.e. The incident is not reviewed by the Committee.

d. The Commanding Officer may confer with instructors, trainers, or other qualified individuals who specialize in the field of force used as needed. The Chief Executive Officer shall be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.

e. Use of force reviews that warrant further administrative review or investigation shall be referred to the Bureau of Professional Standards and investigated in accordance with Policy 500 Bureau of Professional Standards Investigations. Such review should include, but not be limited to, determining whether the use of force was consistent with this policy and training, as well as officer and public safety. The Bureau of Professional Standards shall be responsible for the prompt investigation of the matter including the collecting and preserving of evidence consistent with the requirements specified in 555 CMR 13.03(8) and the recommendation of discipline, if appropriate.
f. Administrative reviews shall identify officer actions that mitigated or escalated encounters and evaluate whether different actions could have reduced the likelihood of force or injury.
g. An extension of any timeline in this Section O may be granted in writing by the appropriate Deputy Chief.

5. Administrative Review by the Use of Force Committee

a. The Chief Executive Officer designates the Use of Force Committee, headed by the Bureau of Professional Standards and including personnel from the Training Division and other divisions, to conduct the administrative review of every incident involving a Serious Use of Force, as defined in Section 3 of this policy. Every such incident shall be forwarded to the Committee following the reviews required by Sections O.3 and O.4, except an incident referred to the Bureau of Professional Standards for investigation under Section O.4, which is not reviewed by the Committee. Where treatment at a hospital or other medical facility becomes known after the review required by Section O.3 is complete, the treatment shall be reported to the officer's Commanding Officer, and the incident shall be reviewed under Section O.4 as a Serious Use of Force.

b. The Bureau of Professional Standards shall assign a lead investigator to each incident received by the Committee. The lead investigator, with the Committee, shall review the completed use of force review in a timely fashion not to exceed thirty (30) calendar days of receipt to determine:

v. Whether the action was consistent with policy, training, and law;
vi. Whether further administrative review or investigation is warranted;
vii. Whether equipment, training, or policy changes should be considered, including whether additional or remedial training is warranted;
viii. Whether a referral to the District Attorney's Office is appropriate;
ix. Whether the incident is required to be reported to the National Use of Force Data Collection Database (see Section N); and
x. Whether the incident is required to be reported to the Commission (see Section N).

c. Where the lead investigator determines that the use of force may not have been consistent with law, this policy, or training, or that further administrative review or investigation is warranted, the matter shall be opened as an internally generated complaint in accordance with Policy 500 Bureau of Professional Standards Investigations. Where the use of force is determined to be consistent with law, this policy, and training, the Committee shall document its determinations and no further review is required.

d. Incidents within the scope of Policy 501 Officer Involved Shootings, In-Custody Deaths and Serious Uses of Force shall be investigated in accordance with that policy. The review required by this subsection applies to such incidents upon completion of the investigation conducted under that policy.

e. For a use of force not received by the Committee, the Bureau of Professional Standards shall make the determinations in Section O.5.b.v and vi upon receipt of the notification required by Section O.3.f.

6. Annual Analysis and Public reporting

a. The Commander of the Bureau of Professional Standards shall conduct, at a minimum, annual analyses of all "Use of Force" incidents and complaints and provide a comprehensive report to the Chief Executive Officer. This report, at a minimum, shall document MPAC 1.1.14:

i. Trends in use of force over time;

ii. Identification of officers who are involved in a disproportionate share of use of force reports and complaints, for the purpose of determining whether intervention would be beneficial to improving the officer's use of force behavior and practices, and intervening to improve the officer's use of force behavior and practices when that is determined to be the case;

iii. Recommendations on equipment, training, and/or policy changes, if any;

iv. The date, time, and circumstances of incidents;

v. The type of force or type of weapons used;

vi. Types of encounters resulting in use of force;

vii. Characteristics, including but not limited to known or perceived protected class characteristics such as race, age, gender, mental and/or physical disability, of individuals involved;

viii. Injuries to individuals, officers, or others; and

ix. Identification of trends or patterns contributing to injury.

b. For purposes of transparency, the Bureau of Professional Standards shall publish an annual public summary of use of force reports and complaints. The summary shall be made available on the agency's website and at the agency for inspection.

c. The agency shall provide records and evidence concerning use of force reports and complaints in accordance with any applicable law, rule, regulation, policy, judicial or regulatory order, subpoena, or civil investigative demand of a governmental entity, and upon receipt of a public record request under M.G.L. c. 66, § 10.

Per:

Paul B. Saucier
Chief of Police

APPENDIX A: SUPERVISOR USE OF FORCE REVIEW CHECKLIST

The following checklist is provided to assist the reviewing supervisor in completing a thorough review of a use of force incident under Section O of this policy. It does not replace the requirements of this policy.

1. If the use of force resulted in an injury or a complaint of injury to any person, respond to the scene; canvass the area for evidence; document observations of the injury and any action taken.

2. Ensure medical aid was rendered or offered and documented, including any refusal of treatment (Section H).

3. Ensure photographs of any visible injuries are taken, documented, and preserved (Section H).

4. Review available body-worn camera recordings of the use of force and the other evidence of the incident (Policy 403 Body Worn Cameras).

5. Verify the officer's report in the records management system is complete and identifies all known officers and other individuals present.

6. Verify the Use of Force Reporting Form is complete and that the force elements reported are consistent with the report narrative and the evidence reviewed.

7. Verify the narrative describes specific observed actions rather than conclusory phrases.

8. Complete the documented supervisory review in the records management system by the end of the tour of duty: identify the evidence reviewed and state whether the use of force appears to fall within the guidelines of a reasonable use of force.

9. If the use of force appears to fall outside the guidelines of a reasonable use of force, notify the Commanding Officer.

10. If the incident involves a Serious Use of Force (Section 3), identify it as such in the supervisory review so that it is forwarded to the Use of Force Committee following the Commanding Officer review (Section O.5).

11. Sign the officer's report; review and close the Use of Force Reporting Form; forward the completed review through the chain of command.

12. Provide notification of the incident, with reports, to the appropriate Deputy Chief, the Commanding Officer, the Bureau of Professional Standards, and the Training Division.

13. If the incident resulted in death or serious bodily injury, or involved a firearm discharge at or in the direction of an individual, immediately notify the Chief Executive Officer through the chain of command and proceed under Policy 501 Officer Involved Shootings, In-Custody Deaths and Serious Uses of Force.

Revisions:

September 11, 2026–

Sections IV.O.3.c and IV.O.4.b and Appendix A item 4: Added the supervisor and Commanding Officer body-worn camera review requirements relocated from Policy 403 Body Worn Cameras.

September 4, 2026–

Section 3: Added a definition of Directly Involved, and added that evaluation, medical clearance, or decontamination alone, or treatment of a condition the force did not cause, does not meet the hospital-treatment element of Serious Use of Force, which applies when the treatment becomes known; and replaced "any incident" with "any use of force incident" in the Policy 501 element. Section IV.E: Replaced the examples of available means with a flashlight, radio, or any other object. Section IV.F: Added the 555 CMR 6.04(6), 6.04(7), and 6.05(2) citations and a sentence on temporary positioning under F.1. Section IV.G.3: Added "Except as prohibited in Section G.4." Section IV.O: Added a summary of the review sequence (O.1); replaced the Commanding Officer escalation and ten-day reviews with a next-tour review of every Serious Use of Force and every use of force the supervisor reports (O.4); added investigation under Policy 500 Bureau of Professional Standards Investigations (O.4.e, O.5.c); and replaced the Bureau of Professional Standards quality-assurance review and Training Division committee review with review of every Serious Use of Force by the Use of Force Committee, headed by the Bureau of Professional Standards (O.5). Appendix A: Replaced item 10 to match Section IV.O.5.

July 2026–

Complete rewrite adopting the statewide Model Use of Force Policy approved by the POST Commission and MPTC (March 19, 2026), incorporating M.G.L. c. 6E and 555 CMR 6.00 throughout; canine crowd-control restriction conformed to Policy 401 Canine Unit Guidelines. Added the supervisory review procedures of the Chief of Police memorandum of March 25, 2025 (scene response for injuries, documented end-of-tour supervisory review, Commanding Officer escalation review, referral to the Bureau of Professional Standards); the Serious Use of Force definition with Bureau of Professional Standards quality-assurance review and Use of Force Committee training review; Commanding Officer administrative review; annual analysis and public reporting; Appendix A, Supervisor Use of Force Review Checklist; and cross-references to Policy 93 Authorized Weapons and Ammunition, Policy 400.1 Firearms Guidelines, Policy 403 Body Worn Cameras, Policy 448 Crisis Intervention Team, and Policy 501 Officer Involved Shootings, In-Custody Deaths and Serious Uses of Force. Retained supervisory body-worn camera review and department notifications. Removed CALEA references. Reformatted to the ADA-compliant template under current signing authority.

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